

## **Remarks**

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the following remarks.

In the subject application, claims 1-4, 6, 8, 9, 28, 29 and 31-49 are pending, of which claims 1, 35, 36, and 49 are independent claims, and claims 2-4, 6, 8, 9, 28, 29, 31-34, and 37-48 are dependent. Applicants have amended claims 1-4, 6, 8, 9, 28, 29 and 31-49. Applicants respectfully submit that no new matter is believed to have been added as a result of these amendments.

## ***Claim Objections***

Claims 36-49 are objected to for minor informalities. More specifically, claims 36-49 are objected to because they recite in the preamble the term "article", and the Examiner believes it is unclear how the claims constitute an apparatus or system. Applicants have amended claims 36-49 by removing the term "article" and replacing it with "computer program product". Support for Applicants' amendment to claims 36-49 may be found throughout the subject application, and for example, in paragraphs [0007] and [0013] of the specification, as published. Paragraphs [0007] and [0013] are provided below for the Examiner's convenience:

[0007] In another aspect, the invention features a system for planning a merger of at least two organizations, the system including a software product, wherein the software product can include a module adapted to allow a user to manage one or more merger-related projects for at least one of the organizations, wherein the module can include one or more sub-modules adapted to allow a user to address merger-related issues wherein the sub-modules comprise at least one of an executive cockpit sub-module, a training management sub-module, a deliverables management sub-module, a project planning sub-module, and a communications management sub-module, wherein the deliverables management sub-module can include a deliverable room sub-module and a deliverable tracker sub-module, wherein the executive cockpit sub-module can be adapted to provide a view of a merger integration progress for one or more executive

stakeholders. (See the subject application, as published, paragraph [0007]; emphasis added.)

[0013] In embodiments, the computer product can include one or more interfaces adapted to present merger-related information including, at least one of a team roster, a task list, a shared folder, a meeting scheduler, a note from a meeting, an issue list, a decision list, and a status. The deliverable room can include a hierarchical parent room of one or more sub-deliverable rooms, wherein the deliverable room can include a reference model, and the reference module can include pre-populated data. The deliverable room further can include at least one of a methodology, a help tool, and a set of contextual tools adapted for a specific deliverable, wherein the specific deliverable can include a realignment of compensation for employees. (See the subject application, as published, paragraph [0013]; emphasis added.)

Applicants respectfully submit that it is well known to those of ordinary skill in the art that a "software product" and/or a "computer product" (e.g., a computer program product) may include "instructions" (i.e., instructions 18) that, when executed by a processor, perform operations (e.g., a process). Further, Applicants respectfully submit that the amendment to claims 36-49 make it clear that claims 36-49 constitute an apparatus (or apparatuses) and/or system (or systems). *See In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). As such, Applicants respectfully request that the objection to claims 36-49 be withdrawn.

#### ***Claim Rejections – 35 U.S.C. § 101***

Claims 1-4, 6, 8-9, 28-29, and 31-35 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. More specifically, the Examiner has rejected claims 1-4, 6, 8-9, 28-29, and 31-35 because the Examiner believes that the methods of claims 11-4, 6, 8-9, 28-29, and 31-35: (1) are not tied to another statutory class, such as a machine or apparatus, or (2) do not transform the underlying subject matter (such as an article or materials) to a different state or thing. Applicants respectfully traverse this rejection.

Applicants have amended independent claim 1 such that the method of claim 1: (1) is tied to another statutory class, such as a machine or apparatus, and (2) transforms the underlying

subject matter (such as an article or materials) to a different state or thing. Applicants' amended independent claim 1 is provided below for the Examiner's convenience:

1. (currently amended) A computer-implemented method comprising:

connecting source systems, including information systems, of at least two enterprises with base system connectors using a markup language;

configuring the information systems of the at least two enterprises to operate as a single logical physically distributed information system across the information systems of the at least two enterprises using processes, modules, application logic, and framework stored in a memory that conform to an architecture supported by a platform including a portal through which data is requested and received by clients;

generating, via the portal, an individually configurable user interface remotely connected to said single logical physically distributed information system with templates interacting with metadata to format information according to preset conditions, the metadata describing roles, work sets, and personalization information and interacting with the application logic; and

populating said individually configurable user interface with monitoring information and features regarding a corporate integration on said individually configurable user interface, comprising making a deal selection choice, planning an integration, executing a transaction, executing an integration, and making a post-integration assessment.

Applicants respectfully submit that the method of amended independent claim 1 is tied to a particular machine or apparatus because claim 1 includes the following limitations (i) "connecting source systems, including information systems, of at least two enterprises with base system connectors using a markup language," and (ii) "using processes, modules, application logic, and framework stored in a memory that conform to an architecture supported by a platform including a portal through which data is requested and received by clients [.]". Further, Applicants respectfully submit that the method of amended claim 1 transforms the underlying subject matter, i.e. data, with the limitation "generating, via the portal, an individually configurable user interface remotely connected to said single logical physically distributed information system with templates interacting with metadata to format information according to

preset conditions, the metadata describing roles, work sets, and personalization information and interacting with the application logic." Support for the proposed amendments to claim 1 may be found, for example, in paragraphs [0054], [0060], [0061], [0062], [0077], [0078], [0079] and [0080], and Figures 3 and 4 of the specification, as published. Paragraphs [0054], [0060], [0061], [0062], [0077], [0078], [0079] and [0080], and Figures 3 and 4 are provided below:

[0054] The system 10 includes a link to a network 28. Network 28 links the system 10 to other systems 30 within a single entity and to systems 32 in one or more other entities. Systems 30, 32, generally referred to as clients or source systems, access data through a portal 34. Systems 10, 30, 32 are designed to act as a single logical physically distributed information system representing multiple enterprise information systems of organizations residing in the systems 30, 32. Information is exchanged between the system 10 and systems 30, 32 through the portal 34 and through user interfaces (UIs) of an architecture, described below. (See the subject application, as published, paragraph [0054]; emphasis added.)

[0060] As shown in FIG. 3, the restructuring integration process 100, common restructuring business processes modules 200, application logic 300, and core framework of services 400 are designed to conform to an architecture 500 designed to a platform 600 that represents a single logical physically distributed information system representing multiple enterprise information systems of organizations. The architecture 500/platform 600 insure consistency of data exchange between system 10 and source systems 30, 32, and a separation of source systems 30, 32, when appropriate during phases of the restructuring integration process 100. (See the subject application, as published, paragraph [0060]; emphasis added.)

[0061] **The single logical physically distributed information system architecture 500 representing multiple enterprise information systems of organizations includes multiple clients 502 accessing data over a network 504 through a portal 506.** In one embodiment, the clients 502 are processes and/or web browsers that are coupled to the network 504 through a proxy server (not shown). (See the subject application, as published, paragraph [0061]; emphasis added.)

[0062] The portal 506 provides a common interface to program management services through user interface (UI) components 508. The portal 506 receives requests from the clients 502 and generates information views (iViews) 510, such as web pages, in response. In embodiments, the portal 506 implements a user roles-based system to personalize a common interface and the iViews 510 for a user of one of the clients 502. The user can have one or more associated roles that allow personalized tailoring of a presented interface through the iViews 510. (See the subject application, as published, paragraph [0062]; emphasis added.)

[0077] **As shown in FIG. 4, a platform 600 that supports the architecture 500 includes a portal 602, user interface (UI) components 604 and application services logic 606.** The platform 600 includes an object access layer 608, a persistence/repository layer 610, connectivity layer 612, and source systems 614. In embodiments, the

architecture includes software and components from SAP AG of Germany, as well as corporate restructuring modules. (See the subject application, as published, paragraph [0077]; emphasis added.)

[0078] Graphical user interfaces (GUIs) provide interaction between a user and the UI components 604 through the portal 602. The UI components 604 interact with the application services logic 606. The application services logic 606 interact with databases and repositories in the persistence/repository layer 610. The user requests information via a GUI through the portal 602. The application services logic 606 processes the user request, retrieves the appropriate requested information from the databases and repositories in the persistence/repository layer 610, and sends the requested information to GUI for display to the user. (See the subject application, as published, paragraph [0078]; emphasis added.)

[0079] The databases and repositories in the persistence/repository layer 610 can contain metadata. Metadata refers to data that describes other data, such as data pertaining to roles, work sets and personalization information, for example. The metadata can interact with the object access layer 608, connectivity layer 612 and application services logic 606. The metadata can also interact with templates 616. The templates 616 provide a format or organization of information according to preset conditions. The templates 616 can interface with Web application server (WAS) processes 618 and core merger processes 620 in the repository layer 610. (See the subject application, as published, paragraph [0079]; emphasis added.)

[0080] In embodiments, the databases and repositories in the persistence/repository layer 610 interact with the source systems 614 through base system connectors 615 using a markup language such as extensible markup language (XML), web services such as SOAP, request for comments (RPC), or TCP/IP. The source systems of one organization can interact with the source systems of another organization through a firewall 617. (See the subject application, as published, paragraph [0080]; emphasis added.)

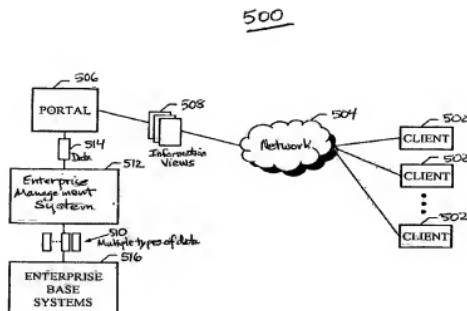
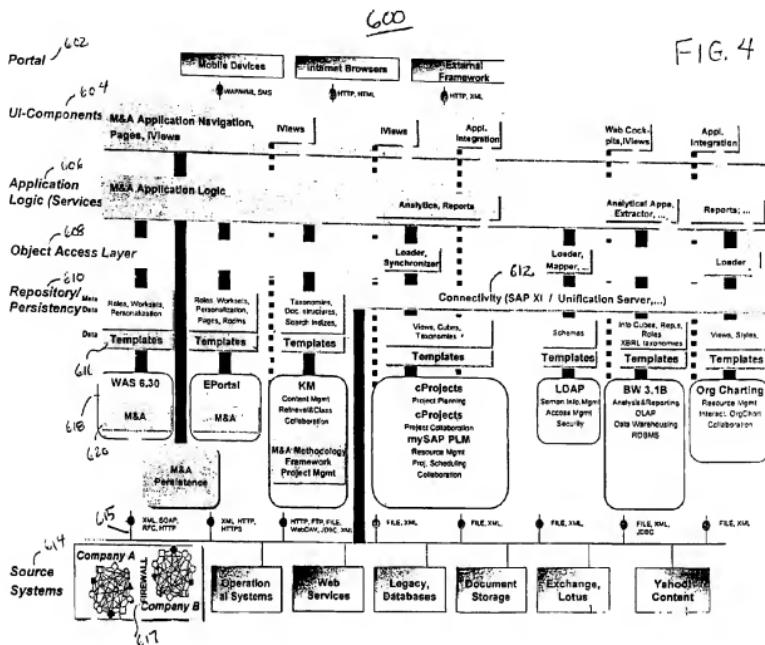


FIG. 3



First, Applicants respectfully submit that since amended claim 1 recites a computer implemented method, it is implied that the method is tied to a computer, i.e., a machine or apparatus. Further, Applicants respectfully submit that the source systems of claim 1, which include information systems, are machines or apparatuses and are connected with base system connectors. Moreover, Applicants respectfully submit that the processes, modules, application logic, and framework of claim 1 are stored in a memory, i.e., a machine or apparatus.

Second, Applicants respectfully submit that, since the underlying subject matter, i.e. data and metadata, are transformed from roles, work sets, and personalization information to user

interfaces by interacting with templates, the method of amended claim 1 transforms the underlying subject matter, i.e. data and metadata, to a different state or thing (i.e., user interfaces).

Therefore, Applicants respectfully submit that the method of amended independent claim 1 is directed towards statutory subject matter because (1) it is tied to a machine or apparatus, and (2) it transforms the underlying subject matter, i.e. data and metadata, into a different state or thing. Further, since claims 2-4, 6, 8-9, 28-29, and 31-34 depend, either directly or indirectly, from claim 1, Applicants respectfully submit that those claims are direct toward statutory subject matter as well. Additionally, Applicants have amended independent claim 35 to include similar limitations to those added to amended independent claim 1. Therefore Applicants respectfully submit that claim 35 is also directed toward statutory subject matter. Accordingly, withdrawal of the rejections under 35 U.S.C. § 101 is respectfully requested.

***Claim Rejections – 35 U.S.C. § 112***

Claim 4 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner does not understand how a "repository" as recited in claim 4 performs the claimed operations. Applicants have changed the term "repository" in claim 4 to "training rollout management sub-module". Support for Applicants' amendment to claim 4 may be found in paragraph [0086] of the specification, as published. Paragraph [0086] of the specification is provided below, for the Examiner's convenience:

[0086] The training rollout management sub-module 1230 serves as a repository or platform to request, schedule, and monitor execution of training sessions or processes. In one embodiment, the training rollout management sub-module 1230

**provides a platform to facilitate one or more training processes.** The training rollout management sub-module 1230 may not itself provide training capabilities. The training rollout management sub-module 1230 can provide one or more categorized lists of training sessions desired by various stakeholders. The training rollout management sub-module 1230 provides a repository for training classes and a master training scheduler. The master training scheduler provides department-specific or role-specific scheduling and planning services to train stakeholders. The training rollout management sub-module 1230 provides electronic mailing (e.g., email) services for training invitations and corresponding registration tracking. The training rollout management sub-module 1230 can track and report completion of training for various stakeholders, training topics, and organizational locations. (*See* the subject application, as published, paragraph [0086]; emphasis added.)

Applicants respectfully submit that the term "training rollout management sub-module" as recited in claim 4 particularly points out and distinctly claims the subject matter which the Applicant regards as the invention. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112 is respectfully requested.

#### ***Claim Rejections – 35 U.S.C. § 103***

Claim 1 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lineberry et al. (U.S. Patent Application Publication No. 2002/0169649, hereinafter "Lineberry") in view of Zhang et al. (U.S. Patent Application Publication No. 2002/0188542, hereinafter "Zhang"). Applicants respectfully traverse this rejection.

First, Applicants respectfully submit that Lineberry and Zhang, whether viewed separately or in combination, do not disclose each and every limitation of Applicants' newly amended independent claim 1. Applicants' newly amended independent claim 1 was provided above for the Examiner's convenience. As mentioned above, Applicants' newly amended claim 1 includes the following limitations: (i) "connecting source systems, including information systems, of at least two enterprises with base system connectors using a markup language," (ii) "using processes, modules, application logic, and framework stored in a memory that conform to

an architecture supported by a platform including a portal through which data is requested and received by clients[,]" and (iii) "generating, via the portal, an individually configurable user interface remotely connected to said single logical physically distributed information system with templates interacting with metadata to format information according to preset conditions, the metadata describing roles, work sets, and personalization information and interacting with the application logic."

Applicants respectfully submit that Lineberry and Zhang do not disclose any of the limitations *as recited* in Applicants' newly amended claim 1. Applicants note that in order for the references cited to render newly amended claim 1 unpatentable under 35 U.S.C. 103, the references cited must disclose each and every limitation in their *entirety*. Applicants further note that Lineberry and Zhang do not disclose any of the following elements recited with the above limitations: source systems, information systems, base system connectors, portals, templates, or metadata. Applicants finally note that even if the Examiner believes or characterizes Lineberry and Zhang to disclose the above elements, Lineberry and Zhang still would not render claim 1 unpatentable because they do not appear to disclose those elements *as recited* with the above limitations to perform the claimed method.

As such, Applicants respectfully submit that claim 1 of the subject application is in condition for allowance. Further, Applicants have amended claims 35, 36, and 49 to include limitations similar to that of claim 1. Therefore, Applicants respectfully submit that claims 35, 36, and 49 are in condition for allowance as well. Since the remaining claims depend, either directly or indirectly, from claims 1, 35, 36, or 49, Applicants respectfully submit that those claims are also in condition for allowance. Withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

Having overcome all of the outstanding rejections, Applicants respectfully submit that the subject application is now in condition for allowance. Applicants believe that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In light of the above remarks, Applicants respectfully assert that the subject application is in condition for allowance. While Applicants respectfully assert that the subject application is now in condition for allowance, the Examiner is invited to telephone Applicant's attorney (617-305-2143) to facilitate prosecution of this application. Please apply any charges or credits to deposit account 50-2324.

Respectfully submitted,

Dated: 01 October 2009

/Brian J. Colandreo/  
Brian J. Colandreo  
Reg. No. 42,427

Holland & Knight LLP  
10 St. James Avenue  
Boston, MA 02116-3889  
Telephone: 617-305-2143  
Facsimile: 617-523-6850

# 8872580\_v1